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Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts

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Report of the Secretary-General

Addendum

I. Introduction

The present addendum contains information from three additional replies to the request contained in paragraph 11 of General Assembly resolution 59/36 of 2 December 2004, received subsequent to the submission of the main report, from Germany, Jamaica and the International Committee of the Red Cross.[1]

II. Information received from Member States

Germany

[Original: English]
[12 September 2006]

1. Germany has been a party to the Geneva Conventions of 1949 since 1954 and to the two Additional Protocols since 1991. Furthermore, Germany has made a declaration pursuant to article 90 of Protocol I recognizing the competence of the International Fact-Finding Commission. Germany signed the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an

[1] The extracts from replies received prior to 4 August 2006 are reproduced in document A/61/222. The full text of all replies are available for review in the Codification Division of the Office of Legal Affairs of the Secretariat.

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Additional Distinctive Emblem (Protocol III) on 13 March 2006. The ratification procedure has been initiated and will be completed shortly. Furthermore, the ratification procedure for the Second Protocol (1999) to the Convention for the Protection of Cultural Property in the Event of Armed Conflict has been initiated.

2. An expert group comprising representatives of the Federal Foreign Office, the Ministry of the Interior, the Ministry of Defence, the Ministry of Justice and the German Red Cross, as well as law professors specialized in international humanitarian law, advises the Government on matters relating to the implementation, development and dissemination of international humanitarian law.

3. The Federal Ministry of Defence is responsible for the implementation of the norms of international humanitarian law within the German armed forces, the Bundeswehr. As provided for by the law governing the legal status of soldiers, instruction in international humanitarian law and in other international regulations, agreements and commitments constitutes part of the training programmes for all military personnel in the German armed forces. Courses are held by legal advisers, teachers of law and the superior officers responsible. On the basis of this fundamental knowledge, personnel receive further in-depth instruction in this subject as part of their training and education programme, preparing them to be commissioned and non-commissioned officers, commensurate with their respective level of service. Under Zentrale Dienstvorschrift (ZDv) 15/1 (Humanitarian Law in Armed Conflicts — Basic Principles), ZDv 15/2 (Humanitarian Law in Armed Conflicts — Manual), ZDv 15/3 (Humanitarian Law in Armed Conflicts — Texts and Documents), soldiers and civilian employees at all command levels have access to the pertinent international treaties. Field cards with specific questions and description of situations supplement this information. Units selected for operations abroad receive extra training on legal components directly related to their mission and their operational area.

4. Germany actively supports the International Criminal Court (ICC). Legislative measures concerning the implementation of the Rome Statute were incorporated into German domestic law in June 2002. Amendments to domestic criminal law concerning vertical cooperation between Germany and ICC are contained in a separate code in order to achieve transparent and coherent regulation of the cooperation with ICC (Gesetz über die Zusammenarbeit mit dem Internationalen Strafgerichtshof), conceding to ICC, to the extent possible, all measures of judicial cooperation available between States.

5. Furthermore, a special penal Code of Crimes against International Law (Völkerstrafgesetzbuch) was adopted that penalizes crimes in domestic law that would fall within the jurisdiction of ICC or is punishable under customary international law, such as genocide, crimes against humanity and war crimes.

6. German support for ICC is also reflected in the constructive dialogue with nations that so far have been reluctant to sign or ratify the Rome Statute or that have even withdrawn their signature. Germany will continue to work for the objective that those States will disengage from their active opposition to the ICC and re-engage in a policy of "good-neighbourliness" towards ICC. In addition, via numerous bilateral contacts, Germany has shared its experience with other nations concerning the question of implementation of the Rome Statute.

7. Germany also continues to cooperate with the International Tribunal for the Former Yugoslavia and the International Criminal Tribunal for Rwanda and supports the recently established Special Court for Sierra Leone.

8. Germany is intensely involved in fighting the illicit trade in small arms and light weapons as well as the use of anti-personnel landmines. As State party to the Ottawa Convention, Germany does not produce or export anti-personnel landmines. It has also signed and implemented a number of international agreements regarding small arms and light weapons. In the framework of the Organization for Security and Cooperation in Europe (OSCE), Germany has introduced, together with Norway and the Netherlands, principles on brokering of small arms and light weapons that were adopted in December 2004; Germany is currently drafting two chapters of a future OSCE best practices guide on ammunition.

9. On 21 December 2001, the Second Review Conference of the States Parties to the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed to Be Excessively Injurious or to Have Indiscriminate Effects, with the consent of Germany, adopted a Final Document extending the scope of the Convention and its annexed Protocols to armed conflicts not of an international character. Germany deposited the instrument of acceptance with the Secretary-General on 26 January 2005. The amendment entered into force for Germany on 26 July 2005. Germany deposited its instrument of ratification of Protocol V to the Convention, on Explosive Remnants of War, with the Secretary-General on 3 March 2005, making it the fifth country to do so. Moreover, the amendment of the relevant service publications of the armed forces is under way in order to fully implement the Protocol.

Jamaica

[Original: English]
[12 September 2006]

Jamaica is currently contemplating legislation to implement the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflict.

III. Information received from international organizations

International Committee of the Red Cross

[Original: English/French]
[3 October 2006]

1. We have noted in different contributions received by the Secretary-General pursuant to resolution 59/36, as reflected in document A/61/222, including the submission by the International Committee of the Red Cross (ICRC), specific references to the Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III). We have also noted that steps were undertaken by different States towards the ratification and national implementation of the new Additional Protocol.

2. ICRC wishes to confirm that Protocol III was adopted on 8 December 2005 and will enter into force on 14 January 2007. We are also pleased to provide the Secretary-General with an updated list of States parties/signatories, which is as follows:

Protocol Additional to the Geneva Conventions of 12 August 1949, and Relating to the Adoption of an Additional Distinctive Emblem (Protocol III)

Party	*Signature*	*Ratification/accession*	*Entry into force*
Angola	14 March 2006		
Argentina	13 March 2006		
Australia	8 March 2006		
Austria	8 December 2005		
Belgium	8 December 2005		
Bolivia	8 December 2005		
Bosnia and Herzegovina	14 March 2006		
Brazil	14 March 2006		
Bulgaria	14 March 2006	13 September 2006	13 March 2007
Burundi	8 December 2005		
Canada	19 June 2006		
Cape Verde	10 January 2006		
Chile	8 December 2005		
Colombia	8 December 2005		
Congo	8 December 2005		
Costa Rica	8 December 2005		
Croatia	29 May 2006		
Cyprus	19 June 2006		
Czech Republic	12 April 2006		
Denmark	8 December 2005		
Dominican Republic	26 July 2006		
Ecuador	8 December 2005		
El Salvador	8 March 2006		
Estonia	14 March 2006		

Party	*Signature*	*Ratification/accession*	*Entry into force*
Ethiopia	13 March 2006		
Finland	14 March 2006		
France	8 December 2005		
Germany	13 March 2006		
Ghana	14 June 2006		
Greece	8 December 2005		
Guatemala	8 December 2005		
Honduras	13 March 2006		
Hungary	19 June 2006		
Iceland	17 May 2006	4 August 2006	4 February 2007
Ireland	20 June 2006		
Israel	8 December 2005		
Italy	8 December 2005		
Kenya	30 March 2006		
Latvia	20 June 2006		
Liechtenstein	8 December 2005	24 August 2006	24 February 2007
Luxembourg	8 December 2005		
Madagascar	8 December 2005		
Malta	8 December 2005		
Monaco	15 March 2006		
Nauru	27 June 2006		
Nepal	14 March 2006		
Netherlands	14 March 2006		
New Zealand	19 June 2006		
Nicaragua	8 March 2006		
Norway	8 December 2005	13 June 2006	14 January 2007
Panama	19 June 2006		
Paraguay	14 March 2006		
Peru	8 December 2005		

Party	*Signature*	*Ratification/accession*	*Entry into force*
Philippines	13 March 2006	22 August 2006	22 February 2007
Poland	20 June 2006		
Portugal	8 December 2005		
Republic of Korea	2 August 2006		
Republic of Moldova	13 September 2006		
Romania	20 June 2006		
San Marino	19 January 2006		
Serbia	31 March 2006		
Sierra Leone	20 June 2006		
Singapore	2 August 2006		
Slovakia	25 April 2006		
Slovenia	19 May 2006		
Spain	23 December 2005		
Sweden	30 March 2006		
Switzerland	8 December 2005	14 July 2006	14 January 2007
The former Yugoslav Republic of Macedonia	18 May 2006		
Timor-Leste	8 December 2005		
Togo	26 June 2006		
Ukraine	23 June 2006		
United Kingdom	8 December 2005		
United Republic of Tanzania	8 December 2005		
United States of America	8 December 2005		
Uruguay	13 March 2006		